

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JENNY POBLANO and NATHAN
BARTLETT, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

Case No. 8:19-cv-0265-KKM-AAS

RUSSELL CELLULAR, INC.,
a foreign Corporation,

Defendant.

ORDER

The parties jointly moved for the Court to preliminarily approve their proposed settlement agreement and to permit issuance of settlement notice to collective members. (Doc. 115.) In the motion, the parties ask the Court to review their proposed settlement of Plaintiff's Fair Labor Standards Act claim. *See Lynn Food Stores, Inc. v. United States Dep't of Labor*, 679 F.2d 1350, 1352–53 (11th Cir. 1982). The Court referred the motion to the Magistrate Judge for a Report and Recommendation. (Doc. 116.) The Magistrate Judge held a hearing on the parties' motion and ordered the parties to submit a revised notice. (Doc. 118, 119.) The parties did so. (Doc. 120-1.) The Magistrate Judge then recommended that the motion be granted. (Doc. 121.) Considering the parties' joint notice of no objection to the Report and Recommendation, (Doc. 122), the Court adopts the

Report and Recommendation and grants the parties' motion.

Even in the absence of any objections, the Court reviews the Magistrate Judge's legal conclusions de novo. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019) (Steele, J.).

After a careful and complete review, the Court concludes that the Motion should be granted for the reasons stated in the Magistrate Judge's Report. (Doc. 121.) Having reviewed the settlement agreement, the motion, and the record in this case, the Court finds that the settlement agreement is a fair and reasonable resolution of a bona fide dispute over provisions of the Fair Labor Standards Act. *See Bonetti v. Embarq Mgmt. Co.*, 715 F. Supp. 2d 1222, 1226–29 (M.D. Fla. 2009) (Presnell, J.). Further, this Court's review of the revised proposed settlement notice reveals that it informs each collective member of the settlement agreement's terms, the specific estimated amount each recipient will receive, the basis for the estimated settlement payment, the scope of the release, and the right to object to the settlement. (Doc. 120-1.)

Accordingly, the following is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 121) is **ADOPTED** and made a part of this Order for all purposes, including appellate review.

2. The parties' Joint Motion for Conditional Settlement Approval (Doc. 115) is **GRANTED**. Additionally, the parties' revised proposed Notice to the Collective Members (Doc. 120-1) is **APPROVED**.

ORDERED in Tampa, Florida, on January 3, 2021.


Kathryn Kimball Mizelle
United States District Judge